

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 9/27/10 Monday Dept: 1A**

**(Posted 9/23/10)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: 10CF9253 [M] LUCIDO v RIVERS  
Type: OTHER NON PI, PD, WD, TORT Date Filed: 05/20/10  
Priority Info: LEAD FILE; CONSOL. W/10SC6477  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

Related cases NOT on this calendar: 10SC6477 ,  
PLNTFF: LUCIDO, MARK ATTY: MEYERS & ASSOCIATES  
DEFNDT: RIVERS, TAMRA SUE ATTY: IN PRO PER  
Service Date/Type: 06/29/10 PER Answer Date: 08/13/10  
DBA: UNDER COVER WINDOW FASHIONS

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 1 day court trial.

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2. **1:00 PM** Case: 10CF9301 [M] FIRST NATIONAL BANK v GARCIA  
Type: COLLECTIONS Date Filed: 06/14/10  
Priority Info: RULE 3.740  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: FIRST NATIONAL BANK OF OMAHA ATTY: DUNNING LAW FIRM  
DEFNDT: GARCIA, TONY C ATTY: IN PRO PER  
Service Date/Type: 07/29/10 PER Answer Date: 08/26/10

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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3. 1:00 PM Case: 10CV36664 [S] WENDLAND v INDYMAC BANK  
Type: REAL PROPERTY Date Filed: 05/10/10  
Event: CASE MANAGEMENT CONFERENCE-CIVIL  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

Related cases NOT on this calendar: 10UD9082 ,  
PLNTFF: WENDLAND, BRUNO ATTY: FOLEY LAW OFFICES, KENNETH M.  
PLNTFF: WENDLAND, ERIKA ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: INDYMAC BANK FSB  
DEFNDT: ONEWEST BANK FSB ATTY: ALLEN MATKINS LECK GAMBLE MAL  
DEFNDT: QUALITY LOAN SERVICE CORPORATION ATTY: MCCARTHY & HOLTHUS LLP  
Service Date/Type: 07/13/10 SUB 00/00/00  
DEFNDT: QUALITY FUNDING  
Service Date/Type: 07/19/10 SUB 00/00/00  
AGENT: PFIFER, TOM  
DEFNDT: ALL PERSONS UNKNOWN

Tentative Ruling: An amended complaint is contemplated. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 1/31/11.

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4. 1:00 PM Case: 10CV36752 [S] CHASE BANK USA N.A. v HOSELTON  
Type: DEBT/COLLECTIONS Date Filed: 06/04/10  
Event: CASE MANAGEMENT CONFERENCE-CIVIL  
  
PLNTFF: CHASE BANK USA NA ATTY: CLARK LAW OFFICE, RORY W.  
DEFNDT: HOSELTON, DAVID ATTY: IN PRO PER  
Service Date/Type: 06/27/10 PER Answer Date: 07/26/10

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 1 approximately 180 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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5. 1:00 PM Case: 10CV36753 [S] WELSH v NELSON  
Type: DAMAGES-NON TORT Date Filed: 06/04/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
  
PLNTFF: WELSH, STUART ATTY: MILWARD & VOGT LAW OFFICES  
DEFNDT: NELSON, ANDY ATTY: ROGER SCOTT & HELMER  
Service Date/Type: 06/21/10 PER Answer Date: 07/08/10  
DBA: ANDY NELSON CONSTRUCTION  
DEFNDT: ANDY NELSON CONSTRUCTION ATTY: ROGER SCOTT & HELMER  
Service Date/Type: 00/00/00 Answer Date: 07/08/10

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 2/28/11.

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6. 1:00 PM Case: CF8840 [M] WELLS FARGO BANK v CARLILE  
Type: COLLECTIONS Date Filed: 09/21/09  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: WELLS FARGO BANK NA ATTY: PATENAUDE & FELIX  
DEFNDT: CARLILE, STARLA  
Service Date/Type: 07/02/10 SUB 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 2/28/11.

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7. 1:00 PM Case: CF8852 [M] DISCOVER BANK v MCDONALD  
Type: COLLECTIONS Date Filed: 09/24/09  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: DISCOVER BANK ATTY: CIR LAW OFFICES  
DEFNDT: MCDONALD, CATHERINE  
Service Date/Type: 10/14/09 PER 00/00/00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management. If judgment enters in the interim, the following date will be vacated, Dept 1A at 1:00 PM on 2/28/11.

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8. 1:00 PM Case: CF8990 [M] WESTPHALL v FRYE  
Type: PI - MV Date Filed: 12/15/09  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: WESTPHALL, TIFFANY MAE ATTY: IN PRO PER  
DEFNDT: FRYE, CYNTHIA MARIE ATTY: MACMORRIS & CARBONE  
Service Date/Type: 00/00/00 Answer Date: 03/08/10  
NKA: LLOYD, CYNTHIA

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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9. 1:00 PM Case: CV35184 [S] DONLEN v FORD MOTOR COMPANY  
Type: BREACH OF CONTRACT Date Filed: 10/21/08  
Priority Info: ON APPEAL/CROSS-APPEAL  
Event: FURTHER CASE MANAGEMENT CONF/TRIAL SETTING

PLNTFF: DONLEN, GREG ATTY: LEMON LAW ASSOCIATES OF CALIF  
ASSOC: ROSNER BARRY & BABBITT LLP  
DEFNDT: FORD MOTOR COMPANY ATTY: TULLY LAW OFFICES, KEVIN J.  
Service Date/Type: 00/00/00 Answer Date: 11/19/08

Tentative Ruling: This matter is on appeal. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 3/28/11.

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10. 1:00 PM Case: CV36257 [S] DILLASHAW v JONES  
Type: REAL PROPERTY Date Filed: 11/17/09  
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLNTFF: DILLASHAW, CLAY ATTY: REIDY, DANIEL F. ESQ.  
PLNTFF: DILLASHAW, TAMARA ATTY: REIDY, DANIEL F. ESQ.  
DEFNDT: JONES, MARK V ATTY: IN PRO PER  
Service Date/Type: 11/19/09 PER 00/00/00  
AKA: JONES, MARK  
DEFNDT: JONES, W K  
Service Date/Type: 11/09/09 PER 00/00/00  
AKA: JONES, WENDY

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice. Plaintiff may request by letter, and is entitled to receive, return of the \$500 cash bond posted in this matter.

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11. 1:30 PM Case: 10FL36672 [S] BELTRAN v BELTRAN  
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 05/11/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
10/05/10 9:00 1 RESPONDENT'S OSC FOR CUSTODY  
10/05/10 9:00 1 PET'S OSC RE CUSTODY, VISITATION AND  
INJUNCTIVE ORDER; REPORT OF CHILD  
PROTECTIVE SERVICES

Related cases NOT on this calendar: 10CS36784 ,  
PETNR: BELTRAN, ERICKA L ATTY: IN PRO PER  
MINOR: BELTRAN MINORS P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: BELTRAN, JON E ATTY: VALEN LAW OFFICES, MARK  
Service Date/Type: 05/12/10 PER Answer Date: 06/21/10

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/29/10.

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12. 1:30 PM Case: 10FL36673 [S] EDGE v EDGE  
Type: DISSOLUTION WITHOUT MINOR CHILD Date Filed: 05/11/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: EDGE, HEATHER P ATTY: IN PRO PER  
RESP: EDGE, JASON N

Tentative Ruling: The parties are not divorced. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/31/11.

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13. 1:30 PM Case: 10FL36704 [S] COSTELLO v COSTELLO  
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 05/21/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: COSTELLO, LEAH M ATTY: IN PRO PER  
RESP: COSTELLO, THOMAS H

Tentative Ruling: The parties are not divorced. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 12/27/10.

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14. 1:30 PM Case: 10FL36710 [S] BYRD v BYRD  
Type: DISSOLUTION WITHOUT MINOR CHILD Date Filed: 05/25/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: 10DV36682 ,  
PETNR: BYRD, DEBRA R. ATTY: BUTLER, DIANNE DREW ESQ  
RESP: BYRD, COSMO ALLEN LEE ATTY: GIBSON JR., RICHARD ESQ.  
Service Date/Type: 06/01/10 PER Answer Date: 06/30/10

Tentative Ruling: Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/31/11.

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15. 1:30 PM Case: 10PA36668  
Priority Info: CONFIDENTIAL  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: N, BROOKE ELAINE ATTY: IN PRO PER  
RESP: S, JAROD RUSSELL ANTHONY ATTY: IN PRO PER  
Service Date/Type: 05/14/10 PER Answer Date: 05/18/10

Tentative Ruling: There are temporary custody orders. If a final Judgment (FL-240/250) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 12/27/10.

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16. 1:30 PM Case: 10PA36725  
Priority Info: CONFIDENTIAL  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: C14182A ,  
PETNR: L, ADAM ATTY: IN PRO PER  
RESP: C, BREANNE  
Service Date/Type: 07/11/10 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-220) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 1/31/11.

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17. 1:30 PM Case: CV33235 [S] MCMURTRY v HALL  
Type: DISSOLUTION WITHOUT MINOR CHILD Date Filed: 11/29/06  
Priority Info: MSE 3/21/2008  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: MCMURTRY, JUDITH A. ATTY: AIROLA & AIROLA  
RESP: HALL, ROBERT D. ATTY: WHITE, BLAIR M. ESQ  
Service Date/Type: 11/30/06 NAR Answer Date: 06/04/07

Tentative Ruling: If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/31/11.

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18. 1:30 PM Case: CV34689 [S] MCMILLIAN v MCMILLIAN  
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 05/12/08  
Priority Info: MSE 08-20-09;170.6 TAS & DVM  
Event: FURTHER CASE MANAGEMENT/TRIAL SETTING  
170.6 TAS & DVM

Related cases NOT on this calendar: C13419 ,  
PETNR: MCMILLIAN, KIM M. ATTY: FOLEY LAW OFFICES, KENNETH M.  
NKA: BRISCOE, KIM MICHELLE  
MINOR: MCMILLIAN MINOR P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: MCMILLIAN, JACK W. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
Service Date/Type: 05/24/08 PER Answer Date: 05/30/08

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 1 approximately 45 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 1 day court trial.

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19. 1:30 PM Case: CV36220 [S] LANTHIER v LANTHIER  
Type: DISSOLUTION WITHOUT MINOR CHILD Date Filed: 11/04/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW  
10/19/10 9:00 1 RESPONDENT'S OSC RE BIFURCATE STATUS  
FROM PROPERTY DIVISION

PETNR: LANTHIER, DANA MILGRIM ATTY: BECHELLI LAW OFFICES, F. JOSE  
RESP: LANTHIER, MARC ATTY: COTTRELL, STEVEN J ESQ  
Service Date/Type: 11/09/09 PER Answer Date: 12/09/09

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/31/11.

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20. **2:30 PM** Case: 10FL36389 [S] HOSKINS v HOSKINS  
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 01/19/10  
At-Issue Date: 05/07/10  
Event: FURTHER SETTLEMENT CONFERENCE/TRIAL SETTING

PETNR: HOSKINS, KAYRONNA Y. ATTY: IN PRO PER  
RESP: HOSKINS, JON C. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
Service Date/Type: 00/00/00 Answer Date: 02/01/10  
CLAMNT: BOILERMAKERS NATIONAL ANNUITY TRU  
CLAMNT: BOILERMAKER BLACKSMITH NATIONAL P

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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21. 2:30 PM Case: CV33064 [S] PLUNKETT v LOKEY  
Type: PETITION FOR CUSTODY & SUPPORT Date Filed: 10/11/06  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING & REPORT OF MINOR'S COUNSEL

Related cases NOT on this calendar: CV33025 ,  
PETNR: PLUNKETT, MARY ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
MINOR: PLUNKETT MINOR P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: LOKEY, RICHARD ATTY: BECHELLI LAW OFFICES, F. JOSE

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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22. 2:30 PM Case: CV35973 [S] MURPHY v MURPHY  
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 08/17/09  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

PETNR: MURPHY, SARAH A ATTY: IN PRO PER  
RESP: MURPHY, PHILIP M ATTY: IN PRO PER  
Service Date/Type: 11/18/09 PER Answer Date: 11/30/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.